

JAN 17 2007

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| <b>FACSIMILE<br/>TRANSMITTAL<br/>FORM</b>          | Application Number                            | 10/726997            |
|  | Confirmation Number                           | 4508                 |
|  | Filing Date                                   | December 2, 2003     |
|  | First Named Inventor                          | Ouderkirk, Andrew J. |
|  | Examiner Name                                 | Midkiff, Anastasia   |
| Fax: 571-273-8300                                  | Attorney Docket Number                        | 58389US004           |
| Total Number of Pages in This Submission: <u>4</u> |   |                      |
| Date: January 17, 2007                             | Attorney for Applicant: Stephen C. Jensen/aln |                      |

| ENCLOSURES (check all that apply)  |  |  |
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| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Issue Fee Transmittal<br><input type="checkbox"/> Amendment Transmittal  | <input type="checkbox"/> Petition  | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences                    |
| <input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/Declaration(s)   | <input type="checkbox"/> Petition to Convert a Provisional Application       | <input type="checkbox"/> Appeal Communication to Technology Center (Appeal Notice, Brief, Reply Brief) |
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32692

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Patent  
Case No.: 58389US004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: OUDERKIRK, ANDREW J.  
Application No.: 10/726997 Confirmation No.: 4508  
Filed: December 2, 2003  
Title: PHOSPHOR BASED LIGHT SOURCES HAVING A POLYMERIC LONG PASS REFLECTOR

TERMINAL DISCLAIMER UNDER 37 CFR § 1.321

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Commissioner for Patents  
P.O. Box 1450  
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| Date<br><i>January 17, 2007</i>   | Signed by: <i>Andrea Newhouse</i><br>Signed by: Andrea Newhouse |

Dear Sir:

Petitioner, 3M Innovative Properties Company, a corporation of the State of Delaware having a place of business at 3M Center, St. Paul, MN, represents that it is the exclusive owner of the entire interest in the above-identified application (the "Subject Application") by virtue of an assignment recorded at Reel 014767, Frame 0550, on December 2, 2003. Petitioner further represents that it is the exclusive owner of the entire interest in a pending second Application No. 10/727,026, filed December 2, 2003, (the "Second Application") by virtue of an assignment recorded at Reel 014778, Frame 0056, on December 2, 2003. As used herein, "Subject Patent" refers to a patent granted on the Subject Application, and "Second Patent" refers to a patent granted on the Second Application.

Petitioner disclaims the terminal part of any Subject Patent which would extend beyond the expiration date of the full statutory term, as defined in 35 USC §§ 154 to 156 and 173 and as shortened by any terminal disclaimer filed prior to the grant of any Second Patent, of any Second Patent. Petitioner hereby agrees that any Subject Patent shall be enforceable only for and during such period that the legal title to such patent and any Second Patent are commonly owned. This

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agreement is to run with any Subject Patent and shall be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any Subject Patent that would extend to the expiration date of the full statutory term as defined in 35 USC §§ 154 to 156 and 173 of any Second Patent, as shortened by any terminal disclaimer filed prior to the grant of such Second Patent, in the event such Second Patent: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable or is found invalid by a court of competent jurisdiction; (3) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321 after grant; (4) has all claims canceled by a reexamination certificate; (5) is reissued; or (6) is otherwise terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to the grant of such Second Patent.

Documents establishing the chain of title of the Subject Application and of the Second Application (including the aforementioned assignments and recording locations) have been reviewed and I certify that, to the best of my knowledge and belief, title is in Petitioner.

I declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 CFR § 1001 and that such willful false statements may jeopardize the validity of the Subject Application or any patent issuing thereon.

☒ Please charge the fee provided in 37 CFR § 1.20(d) to Deposit Account No. 13-3723. One copy of this sheet marked duplicate is also enclosed.

☒ If necessary, charge any required fee, or credit any overpayment to Deposit Account No. 13-3723.

Respectfully submitted,

17 Jan 2007  
Date

By: Stephen C. Jensen  
Stephen C. Jensen, Reg. No.: 35,207  
Telephone No.: 651-736-3369

Office of Intellectual Property Counsel  
3M Innovative Properties Company  
Facsimile No.: 651-736-3833

Application No.: 10/726997

Case No.: 58389US004

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3M Innovative Properties Company  
Facsimile No.: 651-736-3833